

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**PLAINTIFF’S RESPONSE TO DEFENDANT’S STATEMENT OF
ADDITIONAL FACTS IN OPPOSITION TO MOTION FOR PARTIAL SUMMARY
JUDGMENT OF NO INVALIDITY BASED ON CNAPS AND GRAPE-3**

Plaintiff, Singular Computing LLC (“Singular”), submits the following responses to the statement of additional facts by defendant, Google LLC, in opposition to Singular’s motion for partial summary judgment of no invalidity under 35 U.S.C. § 101:

Statement of Fact	Google’s Statement of Fact	Singular Response
1.	The grounds of invalidity that Google intends to present at trial are not ones that were raised or reasonably could have been raised in a petition for <i>inter partes</i> review.	Assuming Google refers to VLOAT and CNAPS, disputed. As Singular has previously explained, Google could have asserted invalidity based on VFLOAT and CNAPS in IPR proceedings. <i>See, e.g.</i> Dkt. Nos. 377-1 and 401.
2.	Singular has not argued that the IPR Estoppel Order bars Google’s reliance on the CNAPS system itself or any of the evidence that Google or its expert Dr. John Gustafson rely on to establish facts regarding the CNAPS system.	Disputed. <i>See id.</i>

Dated: June 1, 2023

Respectfully submitted,

/s/ Kevin Gannon

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ATTORNEYS FOR THE PLAINTIFF

CERTIFICATE OF SERVICE

I certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Kevin Gannon